



5038.1004

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

Re: Application of: **Stefan BEICHL**
Serial No.: 10/540,203
Filed: August 17, 2005
Attorney Docket No.: 5038.1004
For: **SEALING ARRANGEMENT**
Customer No.: 23280

October 27, 2009

Mail Stop Petitions
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

PETITION UNDER 37 C.F.R. §1.181

Sir:

Petition is hereby taken to the Director of the U.S. Patent and Trademark Office in response to Office Action of March 13, 2009, in U.S. Patent Application Serial No. 10/540,203. Petitioner respectfully requests relief from the examiner's objection under 37 CFR 1.83(a) for not showing every feature of the claimed invention as set forth in the Examiner's Answer.

STATEMENT OF FACTS

The Examiner first objected the drawings under 37 CFR 1.83(a) in the Final Office action of September 18, 2007. The Petitioners submitted in their response of December 17, 2007 drawings to overcome the Examiner's rejections. In response to the Advisory action of January 16, 2008, applicants filed on April 18, 2008 a Request for Continued Examination together with Response to the Final Office Action of September 18, 2007. Subsequently, in the Final Office

action dated June 25, 2008 the Examiner further raised the objections to the drawings. Applicants filed a Response to the Office action on November 25, 2008 and have received a Final Office Action dated March 13, 2009. Petitioners filed a Notice of Appeal on August 25, 2009 and an Appeal Brief October 27, 2009. Petitioners hereby submit this petition to have the drawing objections removed.

POINTS TO BE REVIEWED

Every feature of the claimed invention is shown in the drawings.

Applicants respectfully submit the term “axially symmetrical” has been selected by Applicants to adequately describes the orientation of the housing and guide vane as described in the present invention and is fully congruent with the drawings, e.g. Figure 1. Applicants further submit that an alteration of the term “axially symmetrical” may mischaracterize the nature of Applicants’ invention. Therefore, Applicants respectfully re-direct the Examiner’s attention to paragraph [0004] of the specification as filed wherein the axially symmetrical components are described as being “disposed concentrically about one another” and paragraph [0019] which states that “[t]he axially symmetrical guide vane is disposed concentrically about axially symmetrical housing 10” as depicted in Figure 1. Similarly, paragraph [0030] states: “First sealing device 20 having an annular seal design and second sealing device 21 having a brush seal design are axially symmetrical, as are housing 10 and the guide vanes, and are positioned between these two concentrically disposed, axially symmetrical components.” Applicants respectfully submit that in view of paragraphs [0004], [0019], and [0030] in conjunction with Figure 1, the term “axially symmetrical components” would be clear to one of skill in the art and is properly shown. Applicants reassert that the term “axially symmetrical” means that in the axial direction the components are symmetrical about an axis.

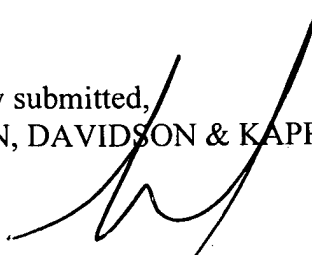
Withdrawal of the objection is respectfully requested.

ACTION REQUESTED

Because every feature of the claimed invention has been shown in the drawings, Petitioner requests that the objections to the drawings under 37 CFR 1.83(a) of the Final Office Action dated March 13, 2009 be withdrawn.

If any fees are deemed to be due at this time, the Assistant Commissioner is authorized to charge payment of the same to Deposit Account No. 50-0552.

Respectfully submitted,
DAVIDSON, DAVIDSON & KAPPEL, LLC

By 
Cary S. Kappel, Reg. No. 36,561

Davidson, Davidson & Kappel, LLC
485 Seventh Avenue, 14th Floor
New York, New York 10018
(212) 736 – 1940